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October 1, 2010

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423



RE: Docket No. AB-55 (Sub-No. 703X), *CSX Transportation, Inc.—
Abandonment Exemption—in Chesterfield and Darlington Counties, SC*

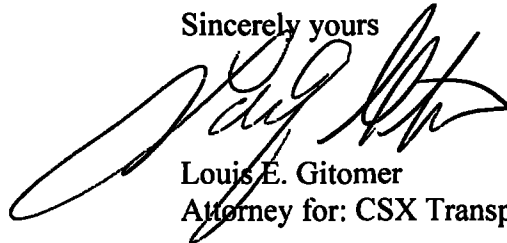
Dear Ms. Brown:

Enclosed are the original and 10 copies of a Petition for Exemption for abandonment in the above-entitled proceeding and a filing fee of \$6,300. Exhibit H of the Petition contains color Exhibits. Also enclosed is a computer diskette containing the Petition in Word and pdf format.

Please time and date stamp the additional copy of this letter and the Petition and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours



Louis E. Gitomer
Attorney for: CSX Transportation, Inc.

Enclosures

ENTERED
Office of Proceedings

OCT - 1 2010

Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings

OCT - 1 2010

Docket No. AB-55 (Sub-No. 703X)

Part of
Public Record

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN CHESTERFIELD AND DARLINGTON COUNTIES, SC

FILED

OCT - 1 2010

**SURFACE
TRANSPORTATION BOARD**

PETITION FOR EXEMPTION

FEE RECEIVED

OCT - 1 2010

**SURFACE
TRANSPORTATION BOARD**

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Attorneys for: CSX TRANSPORTATION,
INC.

Dated: October 1, 2010

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-55 (Sub-No. 703X)

**CSX TRANSPORTATION, INC.– ABANDONMENT EXEMPTION–
IN CHESTERFIELD AND DARLINGTON COUNTIES, SC**

PETITION FOR EXEMPTION

CSX Transportation, Inc. (“CSXT”) petitions the Surface Transportation Board (the “Board”) to exempt, under 49 U.S.C. §10502, CSXT’s abandonment of a 2.71-mile rail line on its Southern Region, Florence Division, Hamlet Subdivision between milepost SJ 304.75 (Tabernacle Road), and milepost SJ 307.46 (Bobo Newsome Highway), in Chesterfield and Darlington Counties, SC (the “Line”), from the prior approval requirements of 49 U.S.C. §§10903 and 10904.

CSXT is seeking abandonment of the Line because Progress Energy Carolinas, Inc. (“Progress Energy”), the sole shipper on the Line has decided that it no longer requires CSXT to provide common carrier rail service to its facility and to reduce CSXT’s costs. After abandoning the Line, CSXT will reclassify the Line as excepted track and transfer it to Progress Energy.

PROPOSED TRANSACTION

CSXT proposes to abandon a 2.71-mile rail line on its Southern Region, Florence Division, Hamlet Subdivision between milepost SJ 304.75 (Tabernacle Road), and milepost SJ 307.46 (Bobo Newsome Highway), in Chesterfield and Darlington Counties, SC. The Line traverses Zip Codes 29101 and 29550. A map of the Line is attached as Exhibit A. Exhibit B consists of the Environmental Report and Exhibit C consists of the Historic Report. The draft Federal Register Notice is in Exhibit D, and copies of the newspaper publication and the required

certification are in Exhibit E. A letter of support from Progress Energy, the only shipper on the Line, is in Exhibit F. The certificate of service is in Exhibit G. Colored exhibits are contained in Exhibit H.

Based on information in CSXT's possession, the Line does not contain federally granted right-of-way. Any documentation in CSXT's possession concerning title will be made available to those requesting it. The stations on the Line are located at Darlco, FSAC 71202366, OPSL 2638, milepost SJ 306 and Robinson, FSAC 71202370, OPSL 2640, milepost SJ 307.

BACKGROUND

CSXT operates the Line to serve the only shipper on the Line, Progress Energy. CSXT is proposing to abandon the Line in order to comply with the request of Progress Energy. Upon receiving abandonment authority for the Line, CSXT intends to reclassify the Line and then sell or lease it to Progress Energy to allow for increased use of the Line by Progress Energy for its own needs. Progress Energy has submitted a letter indicating that "subject to CSXT subsequently selling or leasing the abandoned portion of the track to PEC as contemplated, PEC does not oppose the proposed abandonment." See Exhibit F.

CSXT and Progress Energy will benefit as a result of the proposed abandonment.

CSXT will avoid the costs of operating and maintaining the Line. In addition, through the transfer of the Line as explained above, CSXT will also avoid opportunity costs for the Line. Finally, CSXT will benefit from cooperating with one of its shippers.

CSXT will continue to provide service up to the Line. Progress Energy will be able to tailor the use of the Line to its specific needs without fear of interference because post-abandonment common carrier service will not be required over the Line. No user of rail service on the Line will be harmed.

Based on Progress Energy's support letter, CSXT is amenable to a carefully crafted condition on the abandonment that will protect the interest of Progress Energy and permit CSXT to proceed with the abandonment. CSXT and Progress Energy agree that the Line should be sold or leased to Progress Energy as an excepted track, a spur, under 49 U.S.C. §10906. However, in order to reclassify the Line from a line of railroad to a spur track, CSXT must first consummate the abandonment. Therefore, a condition prohibiting abandonment until the Line is sold or leased to Progress Energy will not allow the sale or lease to proceed as envisioned by CSXT and Progress Energy. Instead, CSXT proposes that the Board condition the abandonment upon CSXT and Progress Energy entering an agreement providing for the sale or lease of the Line from CSXT to Progress Energy within 30 days after CSXT has consummated the abandonment and reclassified the Line as spur track. CSXT is also agreeable to reporting to the Board once it has reclassified the Line and concluded the sale or lease to Progress Energy.

Abandonment will reduce a burden on CSXT and will result in the service specifically sought by Progress Energy.

CSXT contends that in balancing the reduced burden to itself and interstate commerce against the absence of harm to shippers and local interests, the balance clearly favors abandonment. Indeed, local interests will benefit from the abandonment.

ARGUMENT SUPPORTING THE ABANDONMENT

CSXT seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. §10903 in order to abandon the Line and 49 U.S.C. §10904 in order to prevent any offers of financial assistance that would frustrate the efforts of Progress Energy.

Under 49 U.S.C. §10502, the Board must exempt a transaction from regulation when it finds that:

(1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. §10101; and

(2) either:

(a) the transaction is of limited scope, or

(b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the Board should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Rail Act of 1980, Pub. L. No. 96-488, 94 Stat. 1895, Congress encouraged the Board's predecessor agency to liberally use the expanded exemption authority under former Section 10505:

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep No. 1430, 96 the Cong. 2d Sess. 105 (1980). See also *Exemption From Regulation--Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), vacated and remanded on other grounds, *Brae Corp. v. United States*, 740 F.2d 1023 (D.C. Cir 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provision as Section 10502. H.R. Rep. No. 422, 104th Cong., 1st Sess. 168-69 (1995).

A. The Application of 49 U.S.C. §10903 Is Not Necessary to Carry Out the Rail Transportation Policy.

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expense associated with the preparation and filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit. 49 U.S.C. §10101 (2) and (7). The abandonment by CSXT will result in no loss of rail service. The only shipper on the Line, Progress Energy, supports the abandonment.

Granting this exemption, therefore, fosters sound economic conditions and encourages efficient management by permitting the rationalization of an unnecessary common carrier rail line. 49 U.S.C. §10101 (3), (5) and (9).

Other aspects of the rail transportation policy are not adversely affected. For example, competition and the continuation of a sound rail transportation system are not affected since the public will not be deprived of any needed rail services and the shipper on the Line will be able to tailor the rail service to its needs.

The Line is no longer needed by CSXT for common carrier purposes and retention of the Line by CSXT is no longer justified, as the proceeds from the sale or lease of the assets dedicated thereto can and should be used elsewhere. *See The Indiana Rail Road Company-Abandonment Exemption-in Martin and Lawrence Counties, IN*, STB Docket No. AB-295 (Sub-No. 7X) (STB served March 26, 2010) at 6.

B. This Transaction Is Of Limited Scope

The proposed transaction is of limited scope. CSXT seeks to abandon a 2.71-mile line in two counties in South Carolina in order to meet the needs of one shipper.

C. This Transaction Will Not Result In An Abuse Of Market Power.

CSXT is abandoning the Line. Progress Energy, the only shipper on the Line, supports the abandonment. After CSXT consummates the abandonment and reclassifies the Line, Progress Energy will lease or purchase of the Line to allow Progress Energy to control the continued or possibly increased rail use of the Line. Progress Energy will continue to receive rail service and will be able to control the service over the Line. Since the shipper will continue to receive rail service tailored to its specific needs, the proposed abandonment will not result in an abuse of market power.

D. The Application of 49 U.S.C. §10904 Is Not Necessary to Carry Out the Rail Transportation Policy.

The sole user of the Line, Progress Energy, has concluded that it no longer requires CSXT to provide common carrier service. Progress Energy and CSXT have also determined that once the Line is abandoned, that the best use of the Line is for CSXT to reclassify it as excepted track and for Progress Energy to acquire the Line as excepted track so that Progress Energy will not incur a common carrier obligation. Progress Energy intends to use the Line for continued and expanded intra-plant operations and rail use.

In an abandonment proceeding, a third party has an opportunity to file an offer of financial assistance (“OFA”) to acquire the line under 49 U.S.C. §10904. The Board has adopted a policy favoring acceptance of bona fide OFAs, except in certain limited circumstances. CSXT contends that the Board should expand the circumstances in which it permits an exemption from the OFA provisions, such as here. The sole shipper on a short line wants to use the rail facilities to improve its service. Allowing a third party to take advantage of the OFA provisions to force Progress Energy to use that entities common carrier service and incur the rates to be charged by the common carrier when Progress Energy, the only shipper, on the Line, has other plans to use

the Line to improve its business and to provide internal rail operations would be contrary to the rail transportation policy and could result in an abuse of market power by the new operator.

Permitting the abandonment to become effective without application of the OFA condition will minimize the need for federal regulatory control over the rail system, expedite the Board's regulatory decisions, and reduce the regulatory barriers to exit from unprofitable rail service. 49 U.S.C. § 10101(2) and (7). Exemption from the OFA process will also encourage honest and efficient management under Section 10101(9). CSXT and Progress Energy should be allowed to conclude an agreement, similar to the contracting process under 49 U.S.C. §10709. Progress Energy will provide for its internal rail service needs without fear that a third party will seek to use the regulatory process to insert itself into the middle of a transaction that has been worked out between the railroad and the shipper, especially where no other shippers are affected. Through the OFA process, a party could seek to provide common carrier service and to charge Progress Energy for services that Progress Energy has determined that it can best provide for itself without regulation.

In this proceeding, CSXT is not proposing to terminate rail service. Instead, once CSXT receives abandonment authority, it will reclassify the Line to excepted track and then transfer the Line to Progress Energy so that Progress Energy can perform intra-plant operations on its own. The OFA process is intended to "assist shippers who are sincerely interested in improving rail service." H. Rept. 96-1430, p. 125 (Sept. 29, 1980). The OFA process is not needed in this proceeding because CSXT and Progress Energy have voluntarily agreed on a transaction that will allow Progress Energy to preserve the rail service that it needs. The involuntary insertion of a third party into the process, along with the potential rates and charges it would require Progress Energy to pay for services that Progress Energy has decided to provide for itself could well result in an abuse of market power.

The Board and its predecessor, the Interstate Commerce Commission have granted exemptions from 49 U.S.C. § 10904 where the right-of-way is needed for a valid purpose and there is no overriding public need for continued rail service.¹ Even though Progress Energy is not seeking to acquire the Line for a public purpose, CSXT contends that the Line meets these criteria, and that it is appropriate for the Board to expand the criteria it considers in granting an exemption from section 10904.

The Line is not needed for common carrier rail service. The only purpose for the Line is use by Progress Energy.

If the Board decides to deny the exemption from section 10904, CSXT respectfully requests the Board to make the following finding: “Nevertheless, given the apparent lack of need for this line by any shipper other than HCC, any person seeking to file an OFA must provide evidence of how this line will be turned into a viable common carrier line serving shippers other than HCC.” *CSX Transportation, Inc.—Abandonment Exemption—In Marion County, Ind.*, AB 55 (Sub-No. 702X) (STB served August 12, 2010) at 2.

ENVIRONMENTAL REPORT

The Environmental Report is in Exhibit B.

HISTORIC REPORT

The Historic Report is in Exhibit C.

¹ See, *Doniphan, Kensett and Searcy Railway—Abandonment Exemption—In Searcy, White County, AR*, STB Docket No. AB-558X (STB served May 6, 1999); *Union Pacific Railroad Company—Abandonment Exemption—In Salt Lake County, UT*, STB Docket No. AB-33 (Sub-No. 116X) (STB served September 30, 1998); *K & E Railway Company—Abandonment Exemption—In Alfalfa, Garfield, and Grant Counties, OK and Barber County, KS*, STB Docket No. AB-480X (STB served December 31, 1996); and *Southern Pacific Transportation Company—Discontinuance of Service Exemption—In Los Angeles County, CA*, ICC Docket No. AB-12 (Sub-No. 172X) (ICC served December 23, 1994).

FEDERAL REGISTER NOTICE

The draft Federal Register notice is attached hereto as Exhibit D.

LABOR PROTECTION

The interests of railroad employees of CSXT who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

CONCLUSION

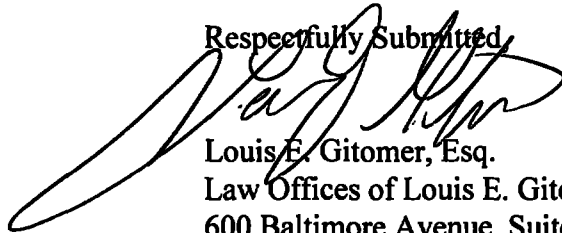
Application of the regulatory requirements and procedures of 49 U.S.C. §10903 to the abandonment of the Line proposed by CSXT is not required to carry out the rail transportation policy set forth in 49 U.S.C. §10101, as previously shown. Nor is Board regulation required to protect shippers from the abuse of market power. Moreover, this abandonment is of limited scope.

CSXT also respectfully requests the Board to exempt the proposed abandonment from the provisions of Section 10904 as justified above.

Accordingly, CSXT respectfully urges the Board to grant an exemption for the proposed abandonment of the Line.

Steven Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Respectfully Submitted,

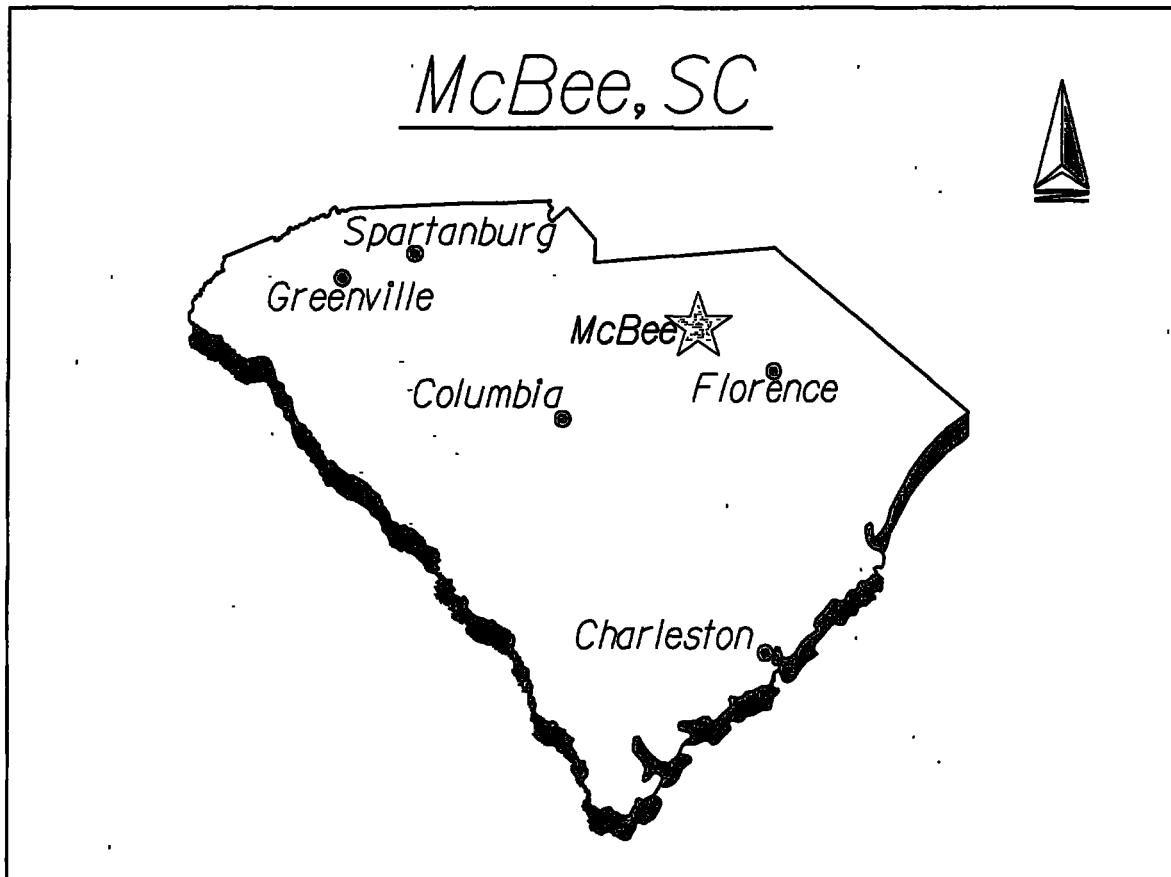


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Attorneys for: CSX TRANSPORTATION,
INC.

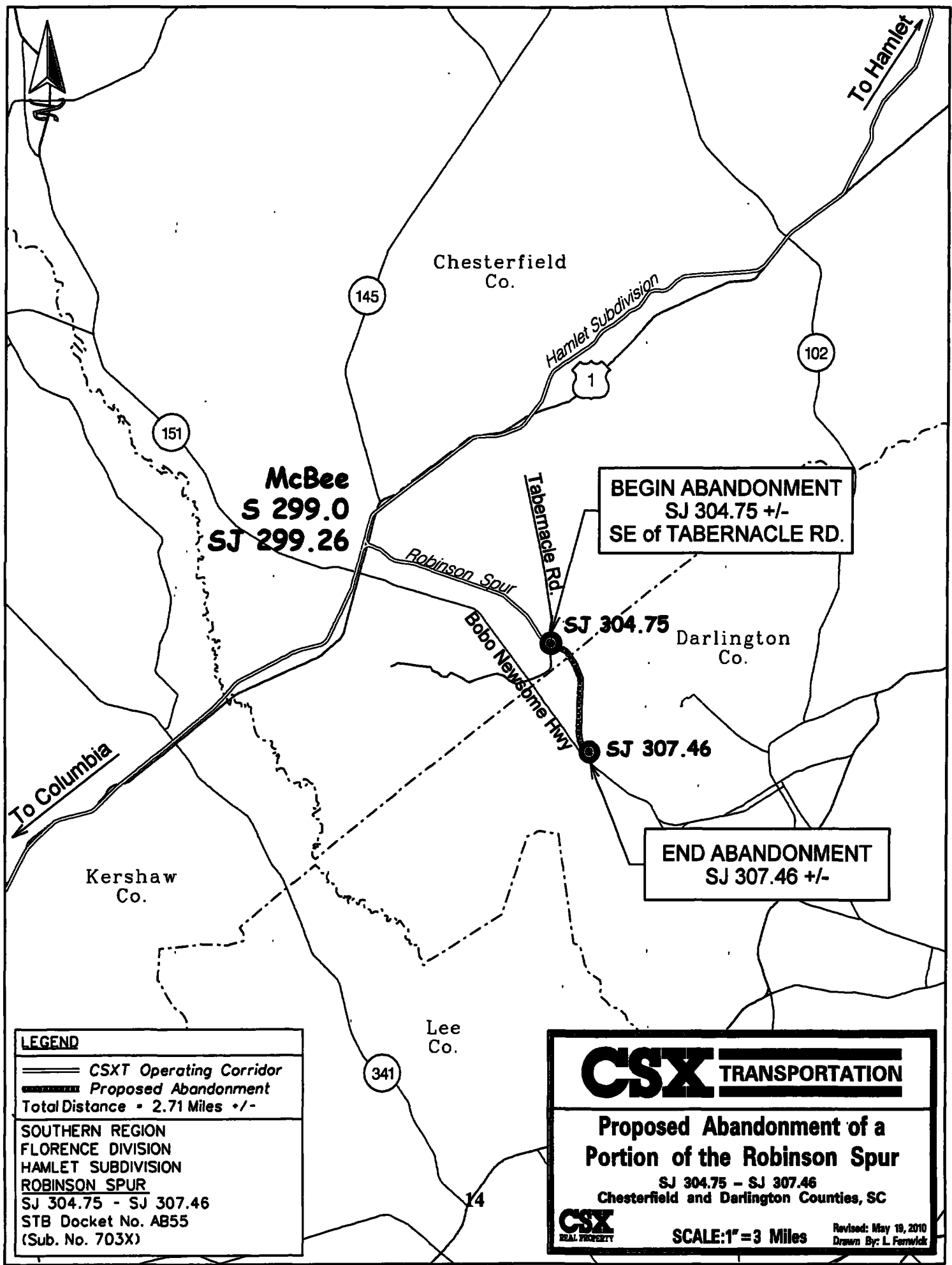
Dated: October 1, 2010

EXHIBIT A-MAP



AREA MAP

- Proposed Abandonment -
a Portion of the Robinson Spur
SJ 304.75 - SJ 307.46 = (2.71 Miles)
Chesterfield and Darlington Counties, South Carolina
Docket No. AB-55 (Sub No. 703X)



LEGEND

==== CSXT Operating Corridor
- - - - - Proposed Abandonment
Total Distance = 2.71 Miles +/-

SOUTHERN REGION
FLORENCE DIVISION
HAMLET SUBDIVISION
ROBINSON SPUR
SJ 304.75 - SJ 307.46
STB Docket No. AB55
(Sub. No. 703X)

CSX TRANSPORTATION

**Proposed Abandonment of a
Portion of the Robinson Spur**

SJ 304.75 - SJ 307.46
Chesterfield and Darlington Counties, SC

CSX
REAL PROPERTY

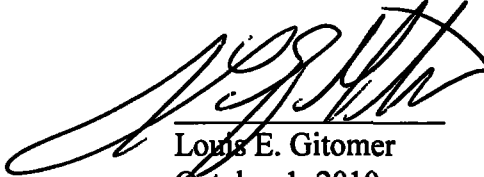
SCALE: 1" = 3 Miles

Revised: May 19, 2010
Drawn By: L. Fernwick

EXHIBIT B-ENVIRONMENTAL REPORT

CERTIFICATE OF SERVICE OF ENVIRONMENTAL REPORT

Pursuant to the requirements of 49 C.F.R. §1105.7(c) and .11, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 703X) was mailed via first class mail on September 10, 2010 to the parties listed on the following page.



Louis E. Gitomer
October 1, 2010

CSXT Abandonment External Distribution List
Robinson Spur, Chesterfield and Darlington Counties, South Carolina
AB 55 Sub No. 703X

Mr. Keith Benton
Chesterfield County Planning
101 West Main St.
Chesterfield, SC 29709

Mr. Douglas Reimold
Darlington County Planning
Commission
1 Public Square, Room 405
Darlington, SC 29532

Mr. Mel Pennington
Mayor – City of Hartsville
133 West Carolina Avenue
Hartsville, SC

Mr. James Clemons
Public Services Director
145 West Carolina Avenue
Hartsville, SC

US EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

South Carolina Dept. of Health and
Environmental Control
2600 Bull Street
Columbia, SC 29201

Mr. Mike Meatze
Utilities Engineer
South Carolina Dept of Transportation
P.O. Box 191
Columbia, SC 29202

Mr. Alexander J. Weintraub
Progress Energy Carolinas, Inc.
P.O. Box 1551
Raleigh, NC 27602

Ms. Cynthia Dohner
U.S. Fish & Wildlife Service
Southeast Region
1875 Century Blvd, Suite 400
Atlanta, GA 30345

US Army Corps of Engineers
Charleston District
69A Hagood Avenue
Charleston, SC 29403-5107

USDA – NRCS
Darlington Service Center
300 Russell Street
Darlington, SC 29532-3329

USDA – NRCS
Chesterfield Service Center
106 Scotch Road
Chesterfield, SC 29709-1728

National Park Service
Regional Director
100 Alabama St. SW
1924 Building
Atlanta, GA 30303

Executive Director
South Carolina Coastal Council
1362 McMillan Ave., Suite 400
Charleston, SC 29405

Mr. H.B. Limehouse, Jr.
South Carolina Department of
Transportation
P.O. Box 191
Columbia, SC 29202

National Geodetic Service (NOAA) at
'NGS.InfoCenter@noaa.gov' (via email)

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC. CHESTERFIELD AND DARLINGTON COUNTIES, SOUTH CAROLINA Docket AB-55 (Sub-No. 703X)

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSX Transportation, Inc. (Applicant) proposes to abandon approximately 2.71 miles of its rail line from Railroad Milepost SJ 304.75 (Tabernacle Church Road) to Railroad Milepost SJ 307.46 (end of track), known as a portion of the Robinson Spur in Chesterfield and Darlington Counties, South Carolina.

The Line has had only one customer, Progress Energy Carolinas, Inc. (PEC), over the last several years. The purpose of the proposed action is to abandon and subsequently reclassify the Line to industrial track. This action will allow CSXT to lease or sell a segment of the Line to PEC so they can use the Line to receive rail service without becoming a common carrier.

If PEC should not require rail service on the Line in the future, CSXT would then remove the rail infrastructure.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2)

Further attached is a distribution list of all parties who have received a copy of this report. (See Attachment 3)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will

be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on this line. Since freight traffic will continue and possibly increase, there will be no effect on existing regional or local transportation systems or patterns.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant received a response dated August 31, 2010 from Mr. Charles Brooks of the Darlington County Planning Department stating *"...Darlington County Planning is in support of this action."* (See Attachment 4)

Applicant received a response dated August 31, 2010 from Ms. Brenda P. Kelley, Planning & Zoning Administrator of the City of Hartsville, stating *"...the City of Hartsville Planning is in support of this action."* (See Attachment 5)

Applicant has not received a response to its inquiry dated August 24, 2010 to Mr. Keith Benton, Chesterfield County Planning, requesting information regarding this statement. (See Attachment 6)

Based on an existing agreement between the parties, Applicant does not believe that the proposed action is inconsistent with any existing or future land use plans.

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant received a response dated August 30, 2010 from Mr. Charles Babb, District Conservationist of the USDA NRCS, stating *"...found that there are no soils classified as Prime Agricultural Land in Chesterfield County."* (See Attachment 7)

Applicant has not received a response to its inquiry dated August 24, 2010 to USDA NRCS, Darlington Service Center, requesting information regarding this statement. (See Attachment 8)

While some prime farmland may exist in the vicinity of this project, Applicant feels the simple removal of track material should not have an adverse impact.

- (iii) **If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

Applicant received a response dated August 32 (sic), 2010 from Mr. David J. Thompson, Wetland Project Manager of the South Carolina Department of Health & Environmental Control's Office of Ocean and Coastal Resource Management, stating "*The referenced project is located outside the South Carolina Coastal Zone.*" (See Attachment 9)

- (iv) **If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the movement and/or recovery of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage in excess of the above thresholds.

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of at least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

Applicant believes that the abandonment will have no effect on public health or safety.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any known hazardous material spills or hazardous waste sites.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

Applicant has not received a response to its inquiry dated August 24, 2010 to Ms. Cynthia Dohner of the U.S. Fish & Wildlife Service in Atlanta, Georgia requesting information regarding this statement. (See Attachment 10)

Based upon Applicant's intention to not remove the track material but to lease or sell the track to a customer for continued rail service, we do not believe that any federally endangered or threatened species will be negatively affected or critical habitats modified if the line is abandoned.

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Applicant has not received a response to its inquiry dated August 24, 2010 to the National Park Service in Atlanta, Georgia requesting information regarding this statement. (See Attachment 11)

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(9) WATER

- (i) **Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

Applicant received a response dated September 22, 2010 from Mr. Carl W. Richardson of the South Carolina Department of Health and Environmental Control stating *"The information provided does not indicate potential for significant environmental impact..."*. (See Attachment 12)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) **Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its inquiry dated August 24, 2010 to the U.S. Army Corps of Engineers in Charleston, South Carolina requesting information regarding this statement. (See Attachment 13)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

Applicant is not anticipating any salvage activities. However, if the customer should not need the line for rail operations in the future,

salvage activities would take place as follows. Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

Applicant has not received a response to its inquiry dated August 24, 2010 to the U.S. EPA – Region 4 in Atlanta, Georgia requesting information regarding this statement. (See Attachment 14)

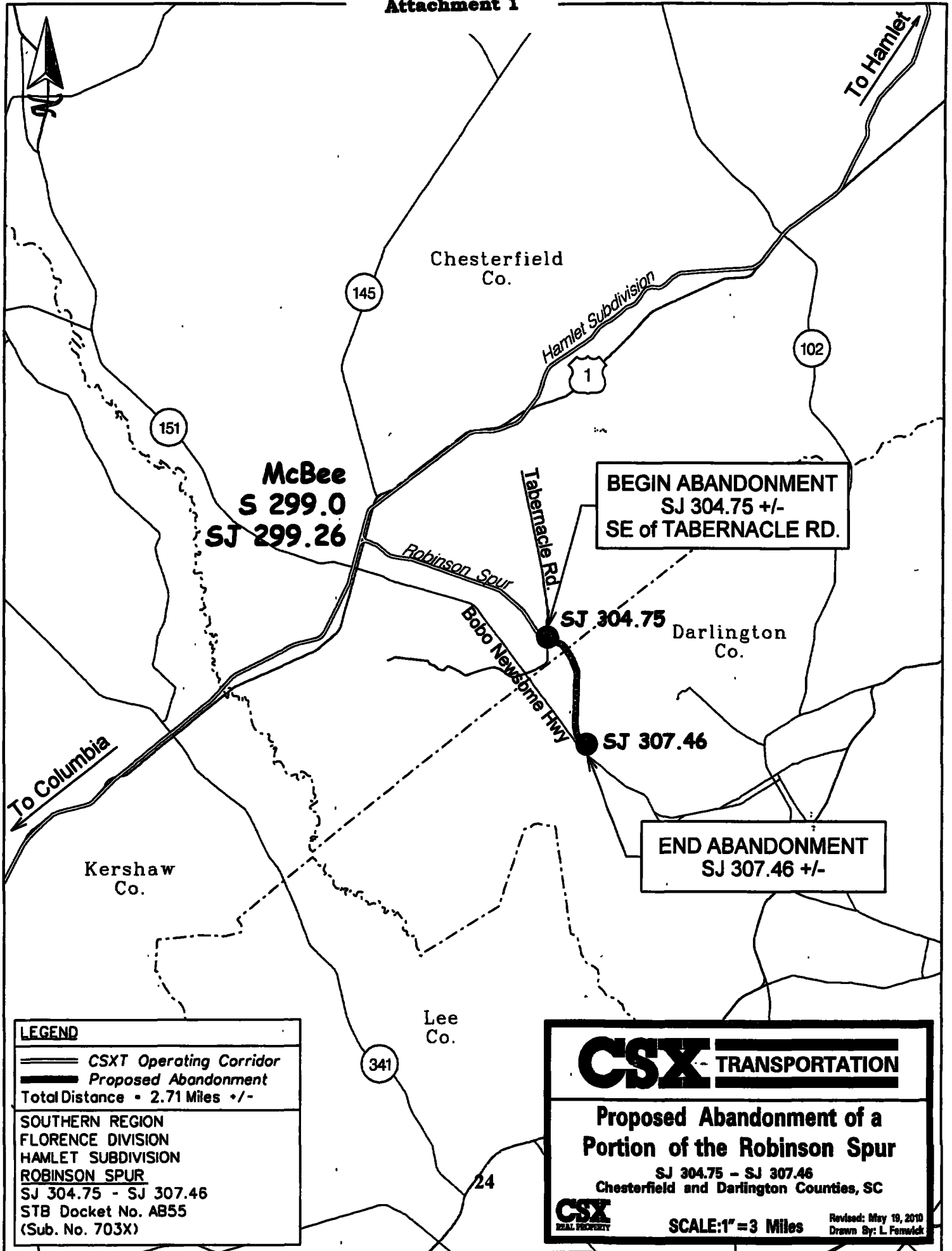
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

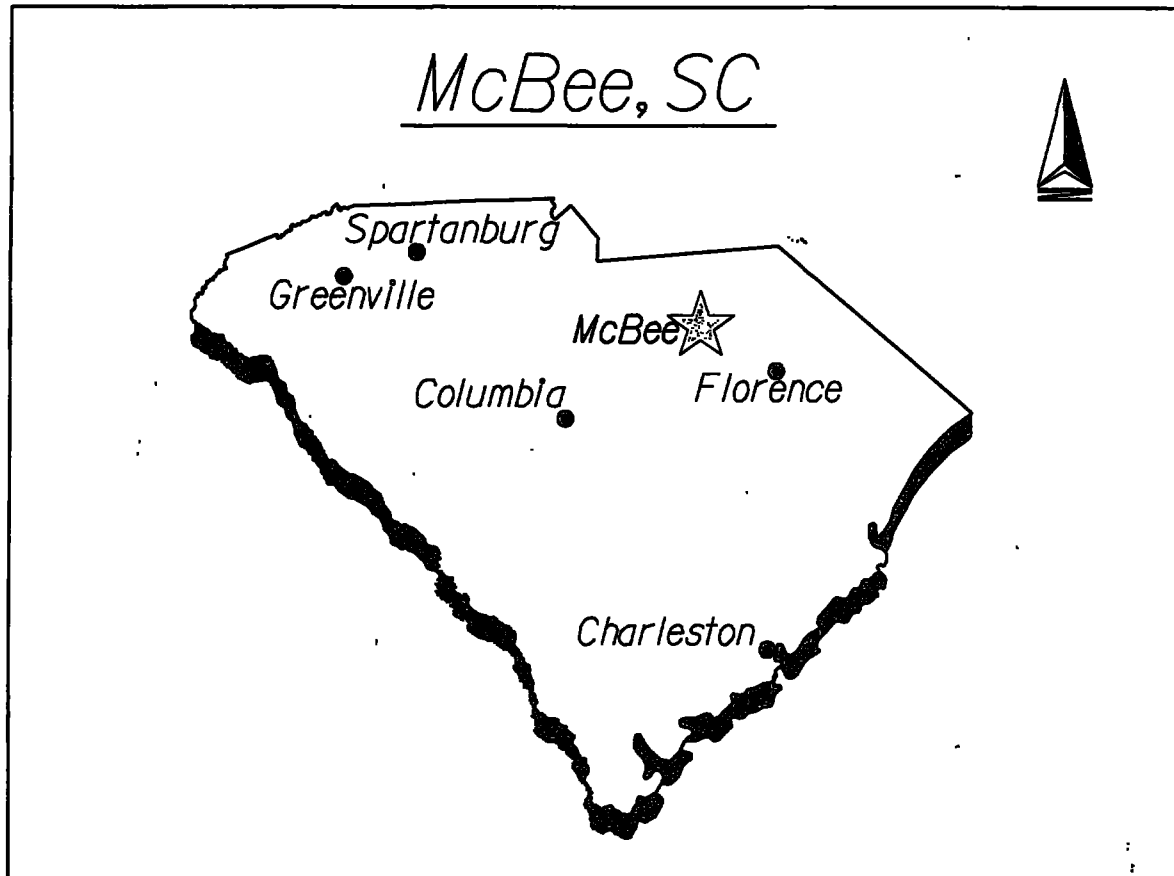
10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, Applicant will comply with reasonable State and Federal regulations and obtain any necessary permits required.

Attachment 1





AREA MAP

- Proposed Abandonment -
a Portion of the Robinson Spur
SJ 304.75 - SJ 307.46 = (2.71 Miles)
Chesterfield and Darlington Counties, South Carolina
Docket No. AB-55 (Sub No. 703X)

**CSXT Abandonment External Distribution List
Robinson Spur, Chesterfield and Darlington Counties, South Carolina
AB 55 Sub No. 703X**

Mr. Keith Benton
Chesterfield County Planning
101 West Main St.
Chesterfield, SC 29709

Mr. Douglas Reimold
Darlington County Planning
Commission
1 Public Square, Room 405
Darlington, SC 29532

Mr. Mel Pennington
Mayor – City of Hartsville
133 West Carolina Avenue
Hartsville, SC

Mr. James Clemons
Public Services Director
145 West Carolina Avenue
Hartsville, SC

US EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

**South Carolina Dept. of Health and
Environmental Control**
2600 Bull Street
Columbia, SC 29201

Mr. Mike Meatze
Utilities Engineer
South Carolina Dept of Transportation
P.O. Box 191
Columbia, SC 29202

Mr. Alexander J. Weintraub
Progress Energy Carolinas, Inc.
P.O. Box 1551
Raleigh, NC 27602

Ms. Cynthia Dohner
U.S. Fish & Wildlife Service
Southeast Region
1875 Century Blvd, Suite 400
Atlanta, GA 30345

US Army Corps of Engineers
Charleston District
69A Hagood Avenue
Charleston, SC 29403-5107

USDA – NRCS
Darlington Service Center
300 Russell Street
Darlington, SC 29532-3329

USDA – NRCS
Chesterfield Service Center
106 Scotch Road
Chesterfield, SC 29709-1728

National Park Service
Regional Director
100 Alabama St. SW
1924 Building
Atlanta, GA 30303

Executive Director
South Carolina Coastal Council
1362 McMillan Ave., Suite 400
Charleston, SC 29405

Mr. H.B. Limehouse, Jr.
South Carolina Department of
Transportation
P.O. Box 191
Columbia, SC 29202

**National Geodetic Service (NOAA) at
'NGS.InfoCenter@noaa.gov' (via email)**

Magruder, Ray

From: Charles Brooks [cbrooks@darcoosc.com]
Sent: Tuesday, August 31, 2010 9:19 AM
To: Magruder, Ray
Subject: CSX abandonment of rail
Attachments: CSX abandon LandUse.pdf; CSX abandon at Robinson-PEC.pdf

Dear Mr. Magruder:

In response to your attached letter, the proposed action plan to downgrade the 2.71 miles of track between milepost SJ 304.75 and 307.46 appears to be consistent with the Darlington County's Future Land Use Plan. This subject area has been designated Industrial and Progress Energy's continuing use of this section of the rail is consistent with the County's Land Use Plan (see map attached). Since this portion of Robinson Spur is entirely on the lands of Progress Energy and will be used solely by them, Darlington County Planning is in support of this action.

If you desire a letter to this effect, please let me know.

Charles Brooks, Senior Planner
Darlington County Planning Department
1 Public Square
Room 405
Darlington S.C. 29532
843-398-4610 o
843-398-4649 f



August 31, 2010

Ray Magruder, Manager
Network & Joint Facility Services
CSX Transportation
500 Water Street – J200
Jacksonville, FL 32202

Re: Proposed Abandonment of a Portion of the Robinson Spur

Dear Mr. Magruder:

In response to your letter regarding the proposed action plan to downgrade the 2.71 miles of track between milepost SJ 304.75 and 307.46 has no effect on the City of Hartsville existing or future land use plans.

The referenced rail line is completely outside of our city limits. The City has no plans to extend its boundaries to this area.

Since this portion of the Robinson Spur is entirely on Progress Energy's land and will be used solely by them, the City of Hartsville Planning is in support of this action.

Sincerely,

Brenda P. Kelley
Planning & Zoning Administrator

Cc: LaVerne Myers, Interim City Manager



Planning and Development Office
101 South Fourth Street
Post Office Drawer 2497
Hartsville, South Carolina 29551
Phone: 843.383.3009 • Fax: 843.339.2879



Ray Magruder
Manager – Network & Joint Facility Services

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_Magruder@csx.com

August 24, 2010

Mr. Keith Benton
Chesterfield County Planning
101 West Main St.
Chesterfield, SC 29709

Dear Mr. Benton:

Please be advised that CSX Transportation, Inc. (CSXT) is considering an abandonment, for purposes of reclassifying the track, of approximately 2.71-miles of its rail line between Railroad Milepost SJ 304.75 to Railroad Milepost SJ 307.46 known as a portion of the Robinson Spur in Chesterfield and Darlington Counties, South Carolina.

This action requires Surface Transportation Board approval and Federal Regulation 49 C.F.R. 1105.7(3)(i) requires that CSXT develop a response to the following statement:

“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.”

CSXT would appreciate your comments regarding current and future land use in relationship to the rail line. CSXT intends to merely reclassify the status of the track for a potential sale or lease to the only customer, Progress Energy Carolinas, for continued rail use. We would greatly appreciate receiving a letter of support for our proposed action.

Enclosed you will find maps and a distribution list of all parties that have been copied.

Sincerely,

A handwritten signature in black ink, appearing to be "R. Magruder", written over a horizontal line.

Attachment



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

106 Scotch Road
Chesterfield, S.C. 29709

To Whom It May Concern:

Upon your request, I have completed an evaluation of the soils adjacent to 2.71 miles of CSX Railroad between Milepost SJ304.75 and milepost 307.46 and found that there are no soils classified as Prime Agricultural Land on that portion located in Chesterfield County. I have attached a map of the soil types that are with 100 feet of either side of the existing tracts.

If you have additional questions, please feel free to call me at (843)623-2187.

Sincerely,

A handwritten signature in cursive script, reading "Charles Babb", is positioned below the "Sincerely,".

Charles Babb
District Conservationist

CSX Rail Abandonment

Field Office: CHESTERFIELD SERVICE CENTER

Chesterfield

Legend

+ CSX Rail Abandonment

Soils Map

□ <all other values>

MUSYM

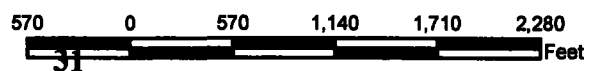
□ ApB

□ CaB

□ Ud

□ Chesterfield County Line

— chesterfcogrd83



Attachment 8



500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_Magruder@csx.com

Ray Magruder,
Manager – Network & Joint Facility Services

August 24, 2010

USDA – NRCS
Darlington Service Center
300 Russell Street
Darlington, SC 29532-3329

Dear NRCS:

Please be advised that CSX Transportation, Inc. (CSXT) is considering an abandonment, for purposes of reclassifying the track, of approximately 2.71-miles of its rail line between Railroad Milepost SJ 304.75 to Railroad Milepost SJ 307.46 known as a portion of the Robinson Spur in Chesterfield and Darlington Counties, South Carolina.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(ii) require that CSXT develop a response to the following statement:

“Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.”

Please advise if any of the land contiguous to CSXT’s line in the project area is classified as prime agriculture land.

Since CSXT intends to merely downgrade the status of the track for a potential sale or lease to the only customer, Progress Energy Carolinas, for continued rail use. CSXT would greatly appreciate receiving a letter of support for our proposed action.

Enclosed you will find maps and a distribution list of all parties that have been copied.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Magruder", written over a horizontal line.

Attachment



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

August 32, 2010

Mr. Ray Magruder
Manager-Network & Joint Facility Services
CSX Transportation
500 Water Street-J200
Jacksonville, Florida 32202

Re: Robinson Spur Line Abandonment
Chesterfield & Darlington Counties/Out of the Coastal Zone

Dear Mr. Magruder:

The referenced project is located outside the South Carolina Coastal Zone. Therefore, the South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management (OCRM) does not have jurisdiction in this area. Because of this, OCRM will not be making a Coastal Zone Consistency determination for this project.

If you have any questions concerning this matter please call me at 843-953-0219.

Sincerely,

David J. Thompson
Wetland Project Manager
Regulatory Programs Division

CC: Mr Blair Williams



500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_Magruder@csx.com

Ray Magruder
Manager – Network & Joint Facility Services

August 24, 2010

Mr. Cynthia Dohner
U.S. Fish & Wildlife Service
Southeast Region
1875 Century Blvd, Suite 400
Atlanta, GA 30345

Dear Ms. Dohner:

Please be advised that CSX Transportation, Inc. (CSXT) is considering an abandonment, for purposes of reclassifying the track, of approximately 2.71-miles of its rail line between Railroad Milepost SJ 304.75 to Railroad Milepost SJ 307.46 known as a portion of the Robinson Spur in Chesterfield and Darlington Counties, South Carolina.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that CSXT develop responses to the following statements:

- (i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Since CSXT intends to merely downgrade the status of the track for a potential sale or lease to the only customer, Progress Energy Carolinas, for continued rail use. CSXT would greatly appreciate receiving a letter of support for our proposed action.

Enclosed you will find maps and a distribution list of all parties that have been copied.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Magruder", written over a horizontal line.

Attachment



Ray Magruder
Manager – Network & Joint Facility Services

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_Magruder@csx.com

August 24, 2010

National Park Service
Regional Director
100 Alabama Street SW
1924 Building
Atlanta, GA 30303

Dear NPS:

Please be advised that CSX Transportation, Inc. (CSXT) is considering an abandonment, for purposes of reclassifying the track, of approximately 2.71-miles of its rail line between Railroad Milepost SJ 304.75 to Railroad Milepost SJ 307.46 known as a portion of the Robinson Spur in Chesterfield and Darlington Counties, South Carolina.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

Since CSXT intends to merely downgrade the status of the track for a potential sale or lease to the only customer, Progress Energy Carolinas, for continued rail use. CSXT would greatly appreciate receiving a letter of support for our proposed action.

Enclosed you will find maps and a distribution list of all parties that have been copied.

Sincerely,

A handwritten signature in black ink, appearing to be "J. L. ...", written over the word "Sincerely,".

Attachment

Attachment 12

BOARD:

Paul C. Aughry, III
Chairman

Edwin H. Cooper, III
Vice Chairman

Steven G. Kiser
Secretary



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

BOARD:

Henry C. Scott

M. David Mitchell, MD

Glenn A. McCall

Coleman F. Buckhouse, MD

September 22, 2010

Attn: Ray Magruder
CSX Transportation, Inc.
Manager – Network & Joint Facility Services

RE: SCDHEC Environmental Review
CSX Transportation, Inc. Track Abandonment/Reclassification
Chesterfield and Darlington Counties South Carolina
STB Docket Number AB-55 (Sub No. 703X)

The South Carolina Department of Health and Environmental Control (SCDHEC) is the agency charged with administering environmental regulations in the State of South Carolina. Within this agency, the Office of Environmental Quality Control (EQC), along with the Office of Ocean and Coastal Resource Management (OCRM), are the primary entities involved with the protection of the environment.

I am responding to the September 10, 2010 request for comment on the referenced project. CSX Transportation, Inc. (CSXT), intends to initially abandon and subsequently reclassify 2.71 miles of track known as the Robinson Spur in Chesterfield & Darlington Counties. This will allow CSXT to lease or sell this segment of line. Regarding this abandonment/reclassification, no comment is offered.

Future activity may involve the removal of the rail infrastructure. The information provided does not indicate potential for significant environmental impact provided permits, and any associated required mitigation, are properly followed.

Should you have specific questions regarding the permitting process or if I may be of further assistance, please contact me at (803) 896-8983 or at richarcw@dhec.sc.gov.

Sincerely,

Carl W. Richardson, P.E.
EQC Permit Liaison
SCDHEC EQC Administration
2600 Bull Street
Columbia, SC 29201



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_Magruder@csx.com

Ray Magruder
Manager - Network & Joint Facility Services

August 24, 2010

U.S. Army Corps of Engineers
Charleston District
69A Hagood Avenue
Charleston, SC 29403-5197

Dear USACE :

Please be advised that CSX Transportation, Inc. (CSXT) is considering an abandonment, for purposes of reclassifying the track, of approximately 2.71-miles of its rail line between Railroad Milepost SJ 304.75 to Railroad Milepost SJ 307.46 known as a portion of the Robinson Spur in Chesterfield and Darlington Counties, South Carolina.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that CSXT develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

Since CSXT intends to merely downgrade the status of the track for a potential sale or lease to the only customer, Progress Energy Carolinas, for continued rail use. CSXT would greatly appreciate receiving a letter of support for our proposed action.

Enclosed you will find maps and a distribution list of all parties that have been copied.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Magruder", written over a horizontal line.

Attachment



Ray Magruder
Manager - Network & Joint Facility Services

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_Magruder@csx.com

August 24, 2010

U.S. Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303-3104

Dear US EPA:

Please be advised that CSX Transportation, Inc. (CSXT) is considering an abandonment, for purposes of reclassifying the track, of approximately 2.71-miles of its rail line between Railroad Milepost SJ 304.75 to Railroad Milepost SJ 307.46 known as a portion of the Robinson Spur in Chesterfield and Darlington Counties, South Carolina.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

Since CSXT intends to merely downgrade the status of the track for a potential sale or lease to the only customer, Progress Energy Carolinas, for continued rail use. CSXT would greatly appreciate receiving a letter of support for our proposed action.

Enclosed you will find maps and a distribution list of all parties that have been copied.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Magruder", written over a horizontal line.

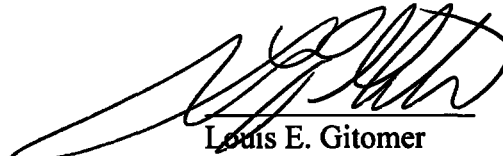
Attachment

EXHIBIT C-HISTORIC REPORT

CERTIFICATE OF SERVICE OF HISTORIC REPORT

Pursuant to the requirements of 49 C.F.R. §1105.8(c) and .11, the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 703X) was mailed via first class mail on September 9, 2010, to the following party:

Ms. Elizabeth Johnson
Deputy State Historic Preservation Officer
8301 Parklane Road
Columbia, SC 29223



Louis E. Gitomer
October 1, 2010



Ray Magruder
Manager – Network & Joint Facility Services

500 Water Street – J200
Jacksonville, FL 32202
Tel. (904) 633-1542
Fax (904) 245-3923
E-Mail: Ray_Magruder@csx.com

September 9, 2010

Ms. Elizabeth Johnson
Deputy State Historic Preservation Officer
8301 Parklane Road
Columbia, SC 29223

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket AB-55 (Sub-No. 703X)

Dear Ms. Johnson:

Please be advised that CSX Transportation, Inc. (CSXT) is considering abandonment of a portion of its rail line from Railroad Milepost SJ 304.75 to Railroad Milepost SJ 307.46, a combined distance of 2.71 miles known as a portion of the Robinson Spur in Chesterfield and Darlington Counties, South Carolina, as shown in the attached Historic Report.

CSXT intends to abandon and subsequently reclassify the line. The line has had only one customer in the last several years. The reclassification of the line will allow CSXT to lease or sell a portion of the line so that the customer can use the line to receive rail service without becoming a common carrier.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above proposed abandonment.

CSXT would greatly appreciate receiving a letter from your office confirming that this project will have no impact upon any cultural resources.

If you have questions, please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to be "RM", written over a horizontal line.

Attachment

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
CHESTERFIELD & DARLINGTON COUNTIES, SOUTH CAROLINA
DOCKET AB-55 (SUB-NO. 703X)**

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSX Transportation, Inc. (Applicant) proposes to abandon 2.71 miles of its rail line from Railroad Milepost SJ 304.75 to Railroad Milepost SJ 307.46 known as a portion of the Robinson Spur in Chesterfield and Darlington Counties, South Carolina.

The Line has had only one customer, Progress Energy Carolinas, Inc. (PEC), over the last several years. The purpose of the proposed action is to abandon and subsequently reclassify the Line to industrial track. This action will allow CSXT to lease or sell a segment of the Line to PEC so they can use the Line to receive rail service without becoming a common carrier.

If PEC should not require rail service on the Line in the future, CSXT would then remove the rail infrastructure.

Two maps, which delineate the proposed project, are attached. (See Attachments 1 and 2.)

1105.8(d)

- (1) **A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.**

Attached is a copy of the Camden Quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black over red line. (See Attachment 3.)

There are no CSXT-owned structures that are 50 years old or older

that may be eligible for listing in the National Register as part of the proposed transaction.

- (2) **A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right-of-way is approximately 50 feet from the centerline of track, traversing through a rural area of South Carolina.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Not applicable.

- (4) **The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

Not applicable.

- (5) **A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:**

This line was built by the South Carolina Western Railway in 1911. The Seaboard Air Line Railroad Company (SAL) was formed in 1915. The SAL also acquired the South Carolina Western Railway in 1915.

On July 1, 1967, the Atlantic Coast Line Railroad Company merged with the Seaboard Air Line Railroad Company to form the Seaboard Coast Line Railroad Company. On December 29, 1982, the Louisville and Nashville Railroad Company merged into Seaboard Coast Line Railroad Company and the name of the surviving corporation changed to Seaboard System Railroad, Inc. On July 1, 1986, Seaboard System Railroad, Inc. changed its name to CSX Transportation, Inc.

Upon receiving abandonment authority, Applicant will seek to lease or sell the Line to PEC for continued rail service.

- (6) **A brief summary of documents in the carrier's possession, such as engineering drawings that might be useful in documenting a structure that is found to be historic:**

Not applicable.

- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

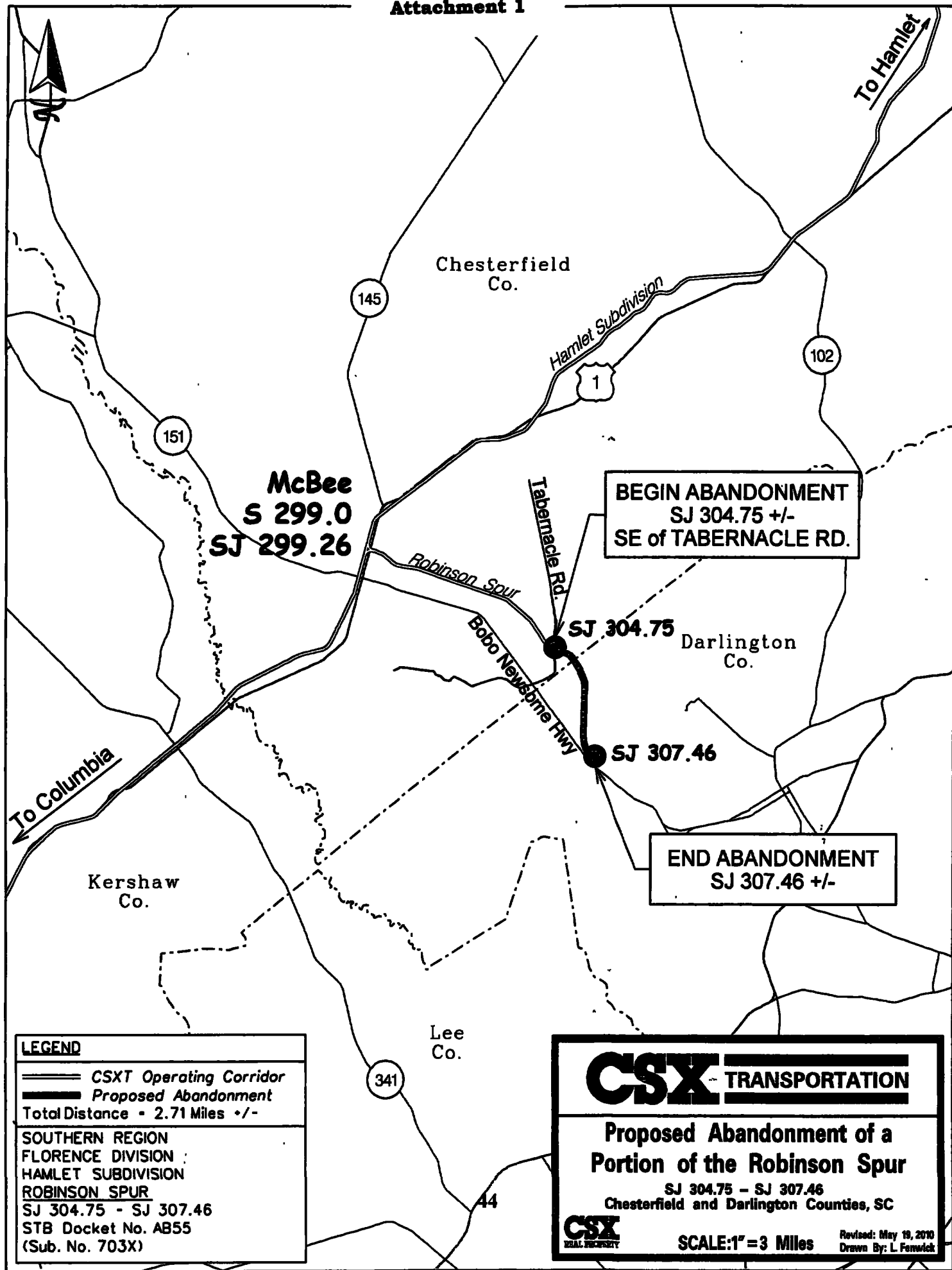
A review of our records indicates there are no CSXT-owned structures on this line.

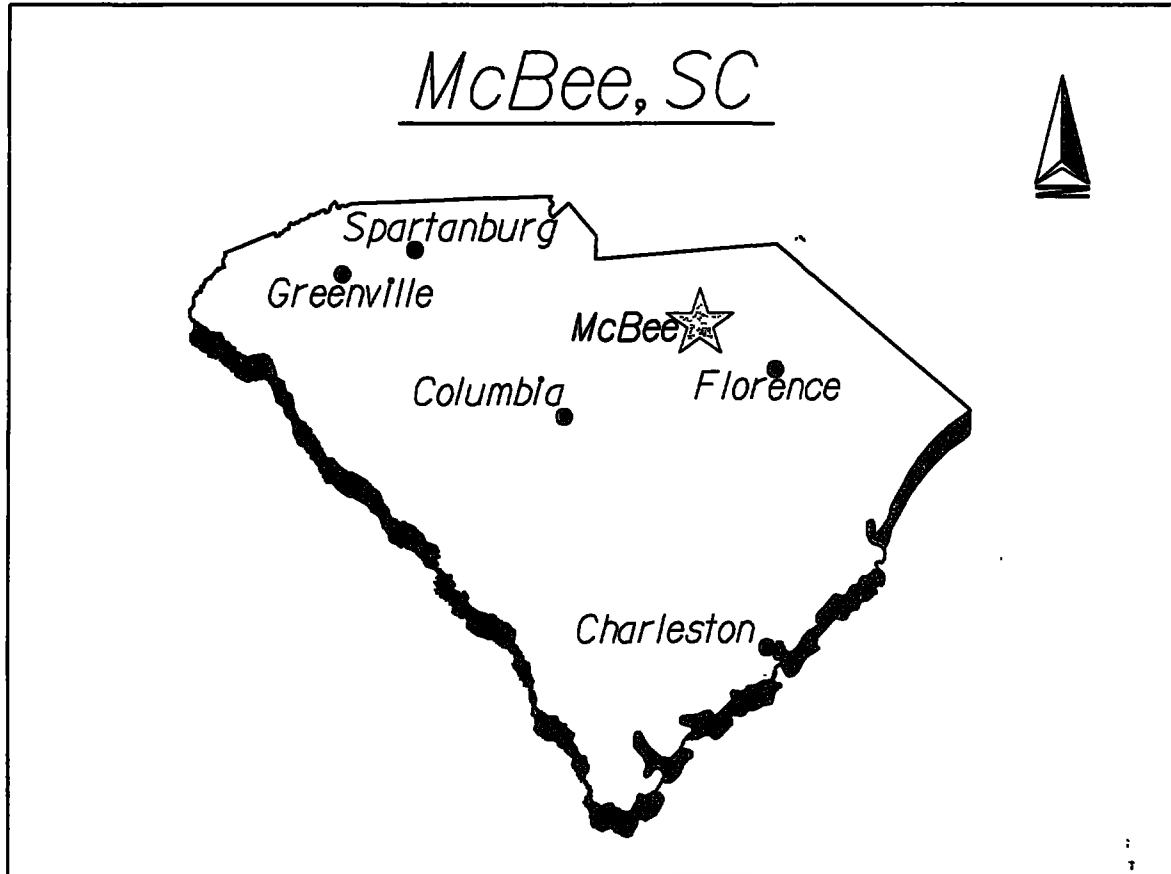
We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

Attachment 1

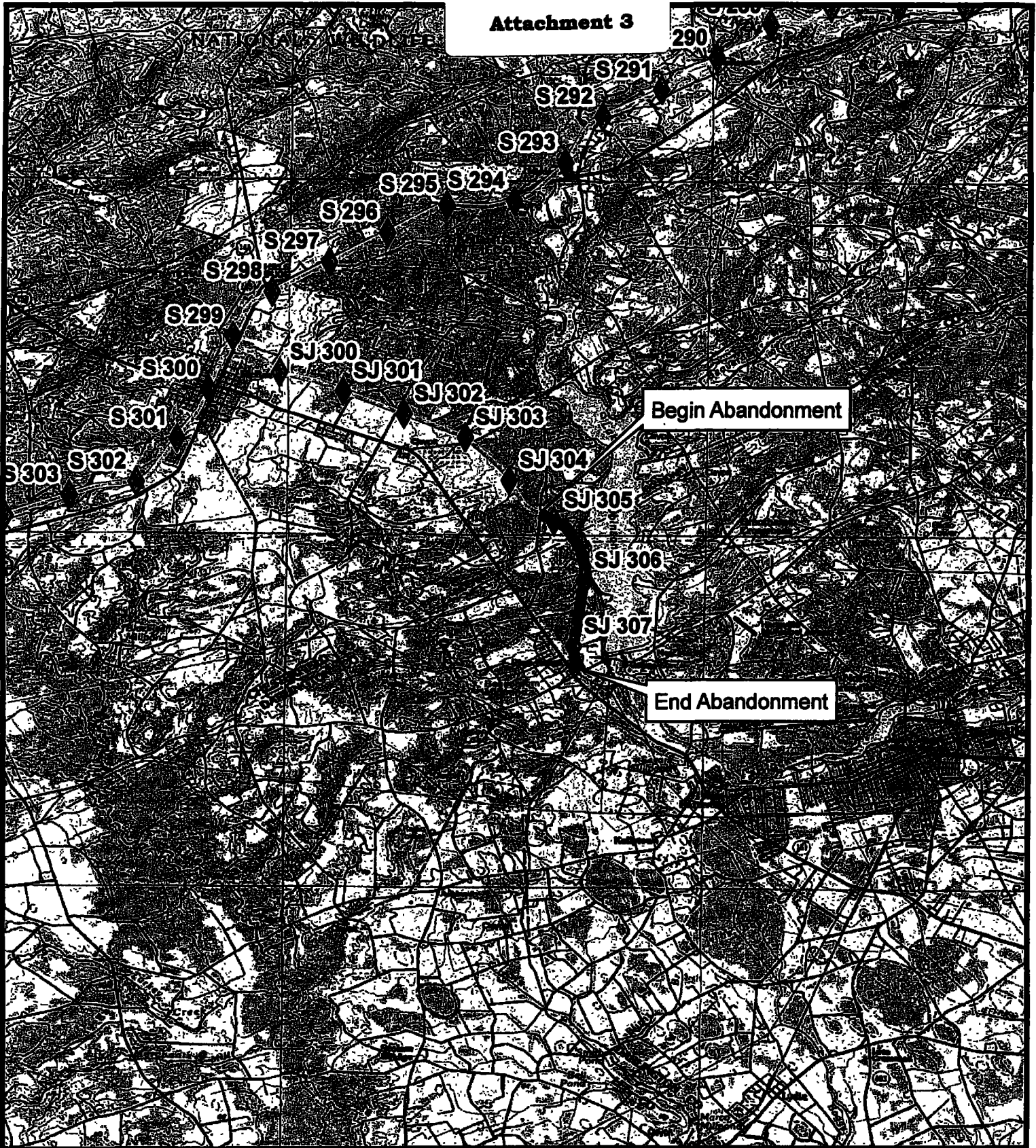




AREA MAP

- Proposed Abandonment -
a Portion of the Robinson Spur
SJ 304.75 - SJ 307.46 = (2.71 Miles)
Chesterfield and Darlington Counties, South Carolina
Docket No. AB-55 (Sub No. 703X)

Attachment 3



Legend

- SUBJECT**
- CSX**

Approximate Latitude and Longitude at SJ 304.75 (Tabernacle Rd.)

N34° 26' 9.20" W80° 10' 20.71"

Topo: USGS 100k Camden Quad (USGS_QD_ID: 34080-A1)

Projection is: GCS_WGS_1984 - UTM Zone 17 (NAD83)



Drawn By: L. Fenwick
Rev. Date: May 19, 2010

EXHIBIT D—FEDERAL REGISTER NOTICE

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN CHESTERFIELD AND DARLINGTON COUNTIES, SC

Notice of Petition for Exemption to Abandonment

On October 1, 2010 CSX Transportation, Inc. (“CSXT”) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a 2.71-mile rail line on its Southern Region, Florence Division, Hamlet Subdivision between milepost SJ 304.75 (Tabernacle Road), and milepost SJ 307.46 (Bobo Newsome Highway), in Chesterfield and Darlington Counties, SC, which traverses through United States Postal Service ZIP Codes 29101 and 29550 (the “Line”). The Line for which the abandonment exemption request was filed include the stations of Darlco, FSAC 712012366, OPSL 2638, at milepost SJ 306, and Robinson, FSAC 712012370, OPSL 2640, at milepost 307.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees of CSXT will be protected by *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the FEDERAL REGISTER.

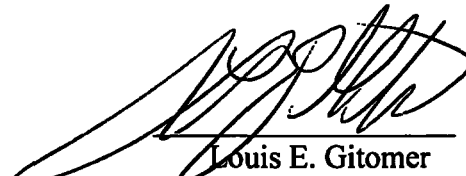
Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

EXHIBIT E-NEWSPAPER CERTIFICATION

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 703X) was advertised on September 30, 2010 in The Cheraw Chronicles, a newspaper of general circulation in Chesterfield and Darlington Counties, SC, as required by 49 C.F.R. § 1105.12.



Louis E. Gitomer
October 1, 2010

CSX Transportation, Inc. gives notice that on or about October 1, 2010 it intends to file with the Surface Transportation Board (the "Board"), Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, permitting the abandonment of a 2.71-mile rail line on its Southern Region, Florence Division, Hamlet Subdivision between milepost SJ 304.75 (Tabernacle Road), and milepost SJ 307.46 (Bobo Newsome Highway), which traverses through United States Postal Service ZIP Codes 29101 and 29550 in Chesterfield and Darlington Counties, SC (the "Line"). The proceeding has been docketed as No. AB-55 (Sub-No. 703X).

The Board's Section of Environmental Analysis ("SEA") will generally prepare an Environmental Assessment ("EA"), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, Washington, DC 20423 or by calling SEA at 202-245-0295

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0233. Copies of any comments or requests for conditions should be served on the applicant's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgrailaw.com.

**EXHIBIT F—LETTER OF SUPPORT
FROM PROGRESS ENERGY CAROLINAS, INC.**



Progress Energy

May 17, 2010

**Mr. Ray Magruder
Manager – Network Rationalization
CSXT Transportation, Inc.
500 Water Street, J200
Jacksonville, FL 32202**

Dear Mr. Magruder:

Progress Energy Carolinas, Inc. ("PEC") has been advised that CSX Transportation ("CSXT") intends to seek approval from the Surface Transportation Board ("Board") to abandon, and subsequently downgrade, a portion of its railroad from Railroad Milepost SJ 304.75 to Railroad Milepost SJ 307.46 a distance of 2.71 miles known as a portion of the Robinson Spur located near McBee, Chesterfield County, and Hartsville, Darlington County, South Carolina.

Since CSXT is undertaking the proposed action to accommodate a post-abandonment lease or sale of the track to PEC to allow for continued and possibly increased rail use, the proposed abandonment will not have an adverse impact on our rail service; provided that CSXT subsequently leases or sells the track to PEC as contemplated. Therefore, subject to CSXT selling or leasing the abandoned portion of the track to PEC as contemplated, PEC does not oppose the proposed abandonment.

We understand that you will submit this letter to the Board as part of the proceedings on the proposed abandonment.

Sincerely,

Progress Energy Carolinas, Inc.

**Alexander J. Weintraub
Vice President-
Fuels & Power Optimization**

EXHIBIT G—CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. §1152.60(d), the undersigned hereby certifies that the Petition for Exemption in Docket No. AB-55 (Sub-No. 703X), *CSX Transportation, Inc.—Abandonment Exemption—in Chesterfield and Darlington Counties, SC* was mailed via first class mail, postage prepaid, on October 1, 2010, to the following parties:

State Public Service Commission

Public Service Commission of South Carolina
101 Executive Center Dr., Suite 100
Columbia, SC 29210

The South Carolina Department of Transportation
955 Park Street
P.O. Box 191
Columbia, SC 29202-0191

Military Surface Deployment and Distribution Command Transportation Engineering Agency

Headquarters
Military Surface Deployment & Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service

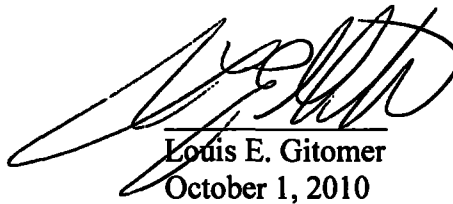
Rivers, Trails and Conservation Assistance Program
National Park Service
ATTN: Mr. Rick Potts, Program Chief
1849 C Street, N.W. (Org. Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

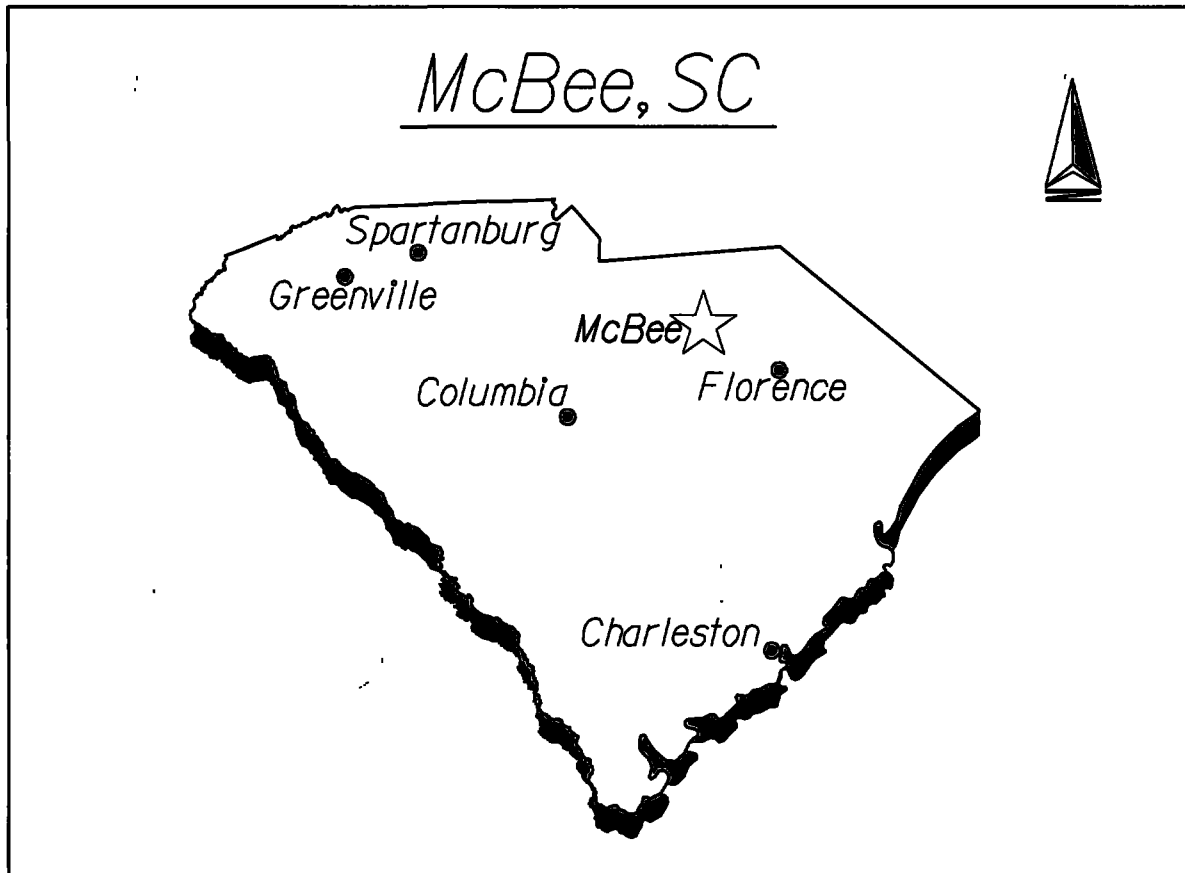
U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250



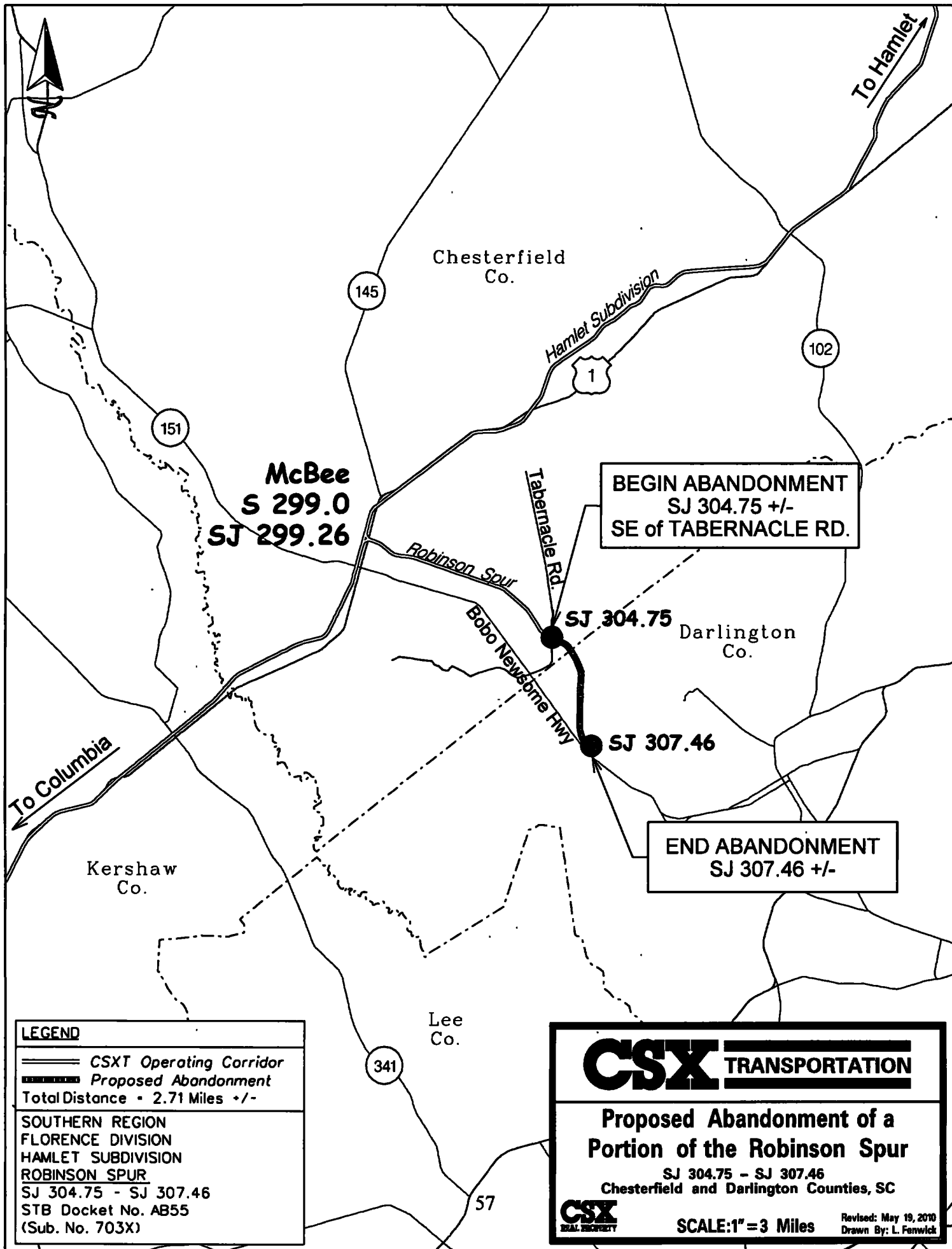
Louis E. Gitomer
October 1, 2010

EXHIBIT H—COLOR EXHIBITS

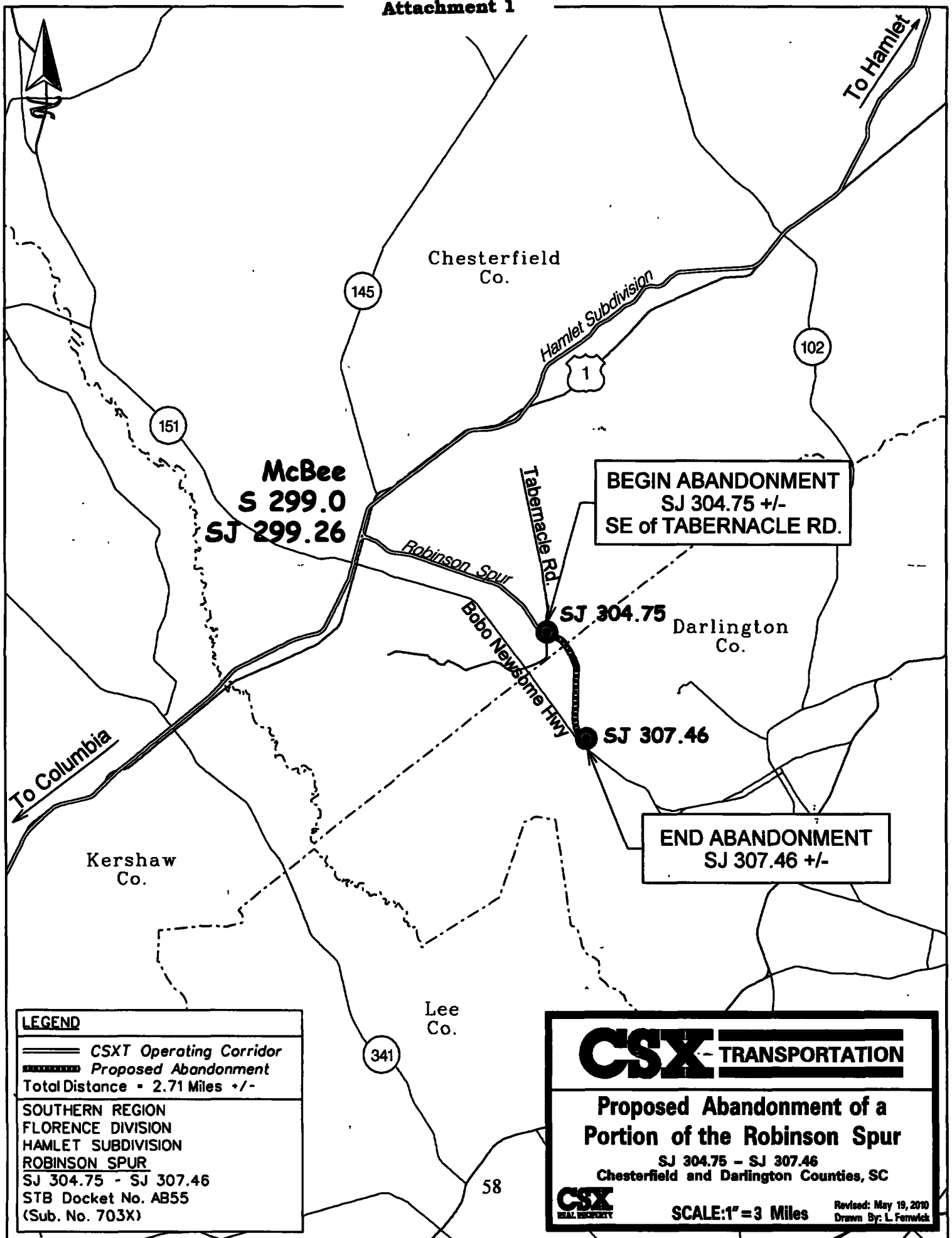


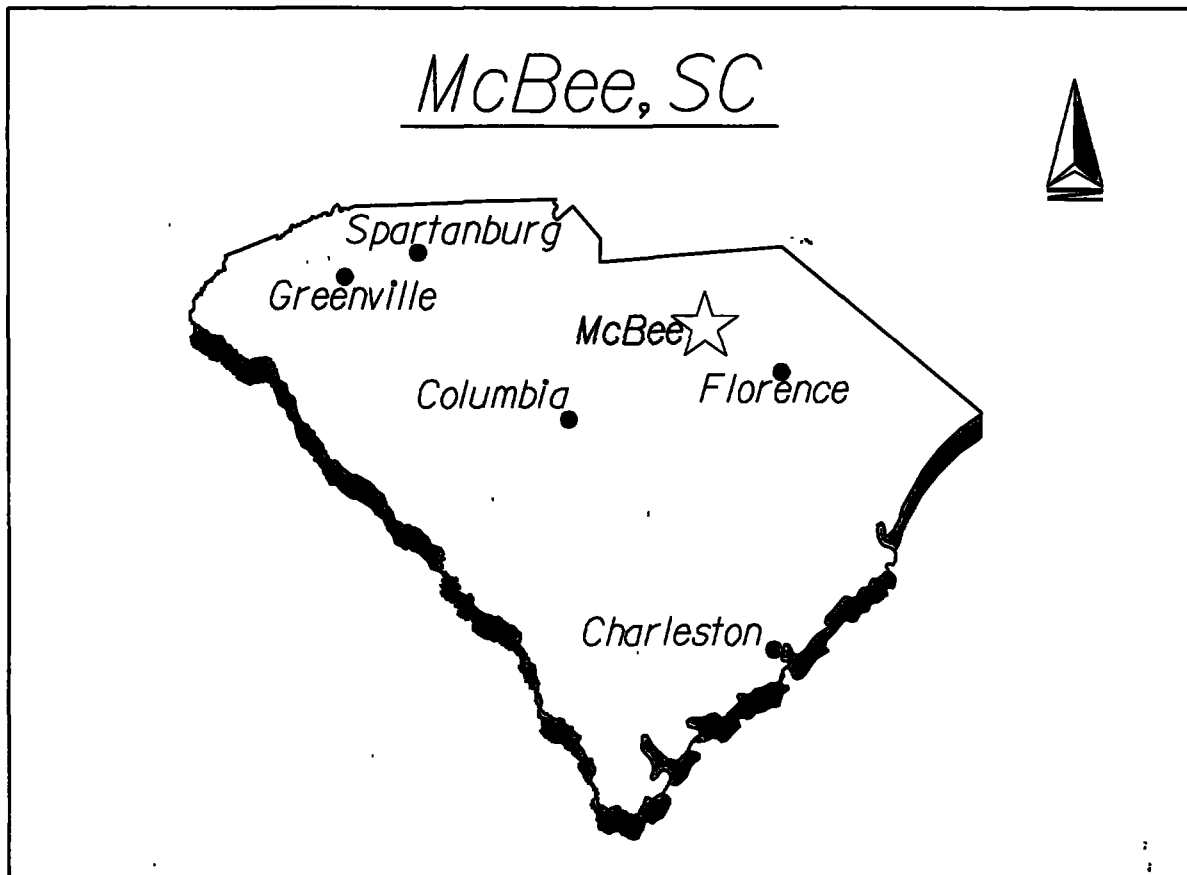
AREA MAP

- Proposed Abandonment -
a Portion of the Robinson Spur
SJ 304.75 - SJ 307.46 = (2.71 Miles)
Chesterfield and Darlington Counties, South Carolina
Docket No. AB-55 (Sub No. 703X)



Attachment 1

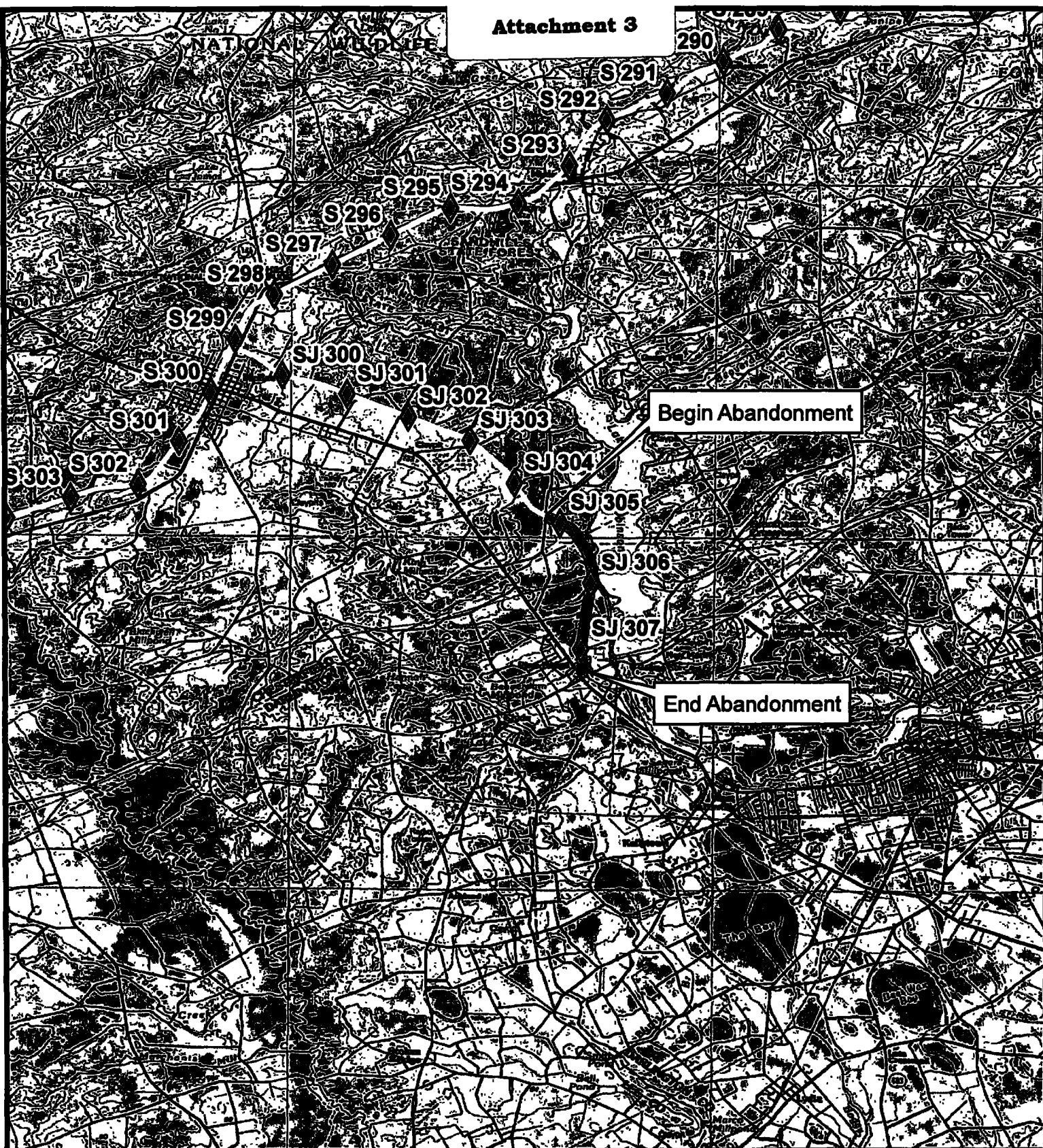




AREA MAP

- Proposed Abandonment -
a Portion of the Robinson Spur
SJ 304.75 - SJ 307.46 = (2.71 Miles)
Chesterfield and Darlington Counties, South Carolina
Docket No. AB-55 (Sub No. 703X)

Attachment 3



Legend

SUBJECT
CSX

Approximate Latitude and Longitude at SJ 304.75 (Tabernacle Rd.)

N34° 26' 9.20" W80° 10' 20.71"

Topo: USGS 100k Camden Quad (USGS_QD_ID: 34080-A1)

Projection is: GCS_WGS_1984 - UTM Zone 17 (NAD83)



Drawn By: L. Fenwick
Rev. Date: May 19, 2010